

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 14, 1966  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REVEREND RALPH E. GLENN, Central Christian Church.

Councilman Long moved that MRS. DONALD POHL be heard. The motion was seconded by Councilman White. Roll call showed a unanimous vote.

MRS. POHL introduced young swimmers from the Austin Aquatic Club, each announcing different AAU Swimming and Diving Championship events at Northwest Park Pool on July 15 and 16. It was stated a number of swimmers from Mexico were participating. Tickets were presented to the Council to attend these meets.

At the request of Mr. Robert Canino, Councilman LaRue moved that the Council endorse the following proclamation:

PROCLAMATION

WHEREAS, the imperialistic policies of Russian Communists have led, through direct and indirect aggression, to the subjugation and enslavement of the peoples of Poland, Hungary, Lithuania, Ukraine, Czechoslovakia, Latvia, Estonia, White Ruthenia, Rumania, East Germany, Bulgaria, Mainland China, Armenia, Azerbaijan, Georgia, North Korea, Albania, Idel-Ural, Serbia, Croathia, Slovenia, Tibet, Cossackia, Turkestan, North Vietnam, Cuba and others; and

WHEREAS, the desire for liberty and independence by the overwhelming majority of peoples in these conquered nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

July 14, 1966

WHEREAS, the freedom-loving peoples of the captive nations look to the United States as the citadel of human freedom and to the people of the United States a leaders in bringing about their freedom and independence; and

WHEREAS, the Congress of the United States by unanimous vote passed Public Law 86-90 establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayers, ceremonies and activities; expressing their sympathy with the support for the just aspirations of captive peoples for freedom and independence; and

WHEREAS, the memory of Adlai Stevenson who so diligently defended the freedoms of the peoples of all nations as our delegate in the United Nations makes the observance of this week especially significant:

NOW, THEREFORE, I, Lester E. Palmer, Mayor of the City of Austin, do hereby proclaim that the week commencing July 17, 1966, be observed as

#### CAPTIVE NATIONS WEEK

in Austin, and call upon the citizens of this community to join with others in observing the week by offering prayers and dedicating their efforts for the peaceful liberation of oppressed and subjugated peoples all over the world.

Witness my seal of office this 14th day of July, 1966.

The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Pursuant to published notice thereof the following zoning applications were publicly heard:

CURTIS D. QUISEN- BERRY	1211-1217 Hillside Avenue Rear of 1219-1221 Hillside Avenue Additional Area 1207-1209 Hillside Avenue	From "BB" Residence To "B" Residence RECOMMENDED by the Planning Commission
----------------------------	---	--

Councilman White moved that the change to "B" Residence be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

NASH PHILLIPS-  
COPUS COMPANY  
By James Crozier

2414-2506 Steck Avenue

From "B" Residence  
1st Height & Area  
To "B" Residence  
2nd Height & Area  
RECOMMENDED by the  
Planning Commission

Councilman Shanks moved that the change to "B" Residence 2nd Height and Area be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The Mayor announced that the change had been granted to "B" Residence 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

SAFEWAY STORES, INC.  
By Johnson, Jones  
and Sheppard

1161-1191 Interregional  
Highway

From "C" Commercial  
2nd Height & Area  
To "C-1" Commercial  
2nd Height & Area  
RECOMMENDED by the  
Planning Commission

Councilman Long moved that the change to "C-1" Commercial 2nd Height and Area be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

SAFEWAY STORES, INC.  
By Johnson, Jones  
and Sheppard

Rear of 5337-5347 Airport  
Boulevard  
Rear of 5322-5402 Helen  
Street

From "C" Commercial  
To "C-1" Commercial  
RECOMMENDED by the  
Planning Commission

Councilman White moved that the change to "C-1" Commercial be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

-----

SAFEWAY STORES, INC.	Rear of 1425-1501 Oltorf St.	From "C" Commercial
By Johnson, Jones	Rear of 2101-2119 So. Lamar	To "C-1" Commercial
and Sheppard	Boulevard	RECOMMENDED by the Planning Commission

Councilman White moved that the change to "C-1" Commercial be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

-----

OSCAR DOELL, JR.	911 West Lynn Street	From "A" Residence
By Sidney Purser	Additional Area	1st Height & Area
	909 West Lynn Street	To "B" Residence
		2nd Height & Area
		Subject property
		RECOMMENDED by the Planning Commission
		Additional Area
		NOT Recommended by the Planning Commission

MR. DOELL appeared in his own behalf stating he had dedicated the necessary right of way. Councilman Long moved that the change to "B" Residence 2nd Height and Area at 911 West Lynn Street be granted. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "B" Residence 2nd Height and Area at 911 West Lynn Street and the City Attorney was was instructed to draw the necessary ordinance to cover.

-----

July 14, 1966

LESLIE C. COLWELL  
By J. Malcolm  
Robinson

1500-1502 Robin Hood Trail  
3500-3510 Enfield Road

From "A" Residence  
To "BB" Residence  
NOT Recommended by  
the Planning Commission

MR. E. RICHARD CRISS, JR. represented the applicant, who planned to build an eleven luxury unit apartment on the corner of Enfield Road and Robin Hood Trail, by converting the present structures. Twenty-two off street parking spaces will be provided. Mr. Criss displayed a map of the area showing the various zonings and locations of apartment houses. MR. JOE ROBERTSON submitted a petition representing 74 families' opposing the change, based on present traffic congestion, and as the neighbors desire to keep it residential. He owned comparable property on Bonnie Road, which has been zoned "C" Commercial since 1939, but he would be willing to rezone it "A" Residence. MR. JAMES T. HARRISON opposed the apartment zoning, stating their area was a planned residential area and it was desired to keep it that way; and the zoning would permit 17 apartments, and that would make the commercial property more desirable to develop possibly as garages or filling stations. MRS. J. C. STEVENS, MRS. GUINN, 3300 block of Bonnie Road and MR. FRANCES OLIVER, 3400 Bonnie Road expressed opposition and urged that this neighborhood remain residential and that the commercial zoning already established be changed to "A" Residential. The Council wanted to make an on site inspection of the area and deferred action at this time. Later in the afternoon meeting, Councilman Shanks moved to grant the change. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "BB" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

-----

HARRY E. MONTANDON

2603-2609 South 1st Street

From "A" Residence  
To "C" Commercial  
RECOMMENDED by the  
Planning Commission

Councilman Long moved that the change to "C" Commercial be granted. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "C" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

-----

July 14, 1966

ANNE WAITT McCLENDON  
ESTATE, By Frank  
Knight

1607-1611 Shoal Creek Blvd.  
1007 West 17th Street

From "O" Office  
1st Height & Area  
To "O" Office  
2nd Height & Area  
(as amended)  
RECOMMENDED by the  
Planning Commission

MR. FRANK KNIGHT said "O" Office zoning had been granted extending inadvertently up the hill. It was not the desire of the applicant to extend that "O" Office zoning and he would be willing to roll the zoning back to residential. A line 5' west of the bluff line has been established on which they are asking for the 2nd Height and Area. MR. EDDIE JOSEPH had secured signatures of at least 50% of the residents within 200' of the property above the bluff line, and they had amended their petition to follow the field notes designating the area and agreeing to the zoning. Mr. Knight asked that the zoning east of this established line be changed back to "A" Residence. Councilman Shanks noted on the contiguous property there was a height established. Mr. Knight accepted this same height. Since the entire area was included in the legal advertisement of notice of hearing, Councilman White moved to grant "O" Office 2nd Height and Area for the property identified, and the remainder be rolled back to "A" Residence with the limitation of the building to 25' the same height as that placed on the adjoining property. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "O" Office 2nd Height and Area for the property identified, and the remainder be rolled back to "A" Residence with the limitation of the building to 25' the same height as that placed on the adjoining property.

- - - - -

W. M. DAY, JR.  
By Robert C. Sneed

2401-2409 Rio Grande Street  
620-626 West 24th Street

From "C" Commercial  
To "C-1" Commercial  
RECOMMENDED by the  
Planning Commission

MR. ROBERT SNEED represented the applicants stating Mr. Day has a contract of sale to Mr. Elmer Hyden and Mr. Warren who want to construct a Minute Mart Drive-In Grocery Store and sell beer for off premise consumption. He stated there was a letter filed with the Planning Department conveying 5' right of way to the City. Opposition was expressed by Mrs. J. W. Bradfield stating this was a neighborhood of students and they should be protected against "C-1" Commercial zoning. After discussion, Councilman Shanks moved to sustain the Planning Commission and grant the zoning. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

HARDY SMITH &  
HARRIS JOHNSON  
By William B. Carssow

908-912 West 29th Street  
2905 San Gabriel Street

From "O" Office &  
"BB" Residence  
To "GR" General Retail  
NOT Recommended by the  
Planning Commission

MR. WILLIAM CARSSOW represented the applicants and recalled the area zoning between 34th, 29th Streets, and Guadalupe and Lavaca, stating 37 out of 58 pieces of property are either rental or commercial properties. Except for a little area on 29th the entire periphery is used for something other than straight "A" Residence. Right of way from Mr. Harris Johnson has been obtained and they are trying to contact Mr. Hardy Smith, Alaska, for right of way on San Gabriel and Mr. Gaston has already given 10'. The dedication on 29th Street is ready to be signed. Councilman Shanks moved to grant the request. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

THE COLORADO  
COMPANY  
By Al Burrows

7000 Guadalupe Street  
600-604 Swanee Drive

From "A" Residence  
1st Height & Area  
To "B" Residence  
2nd Height & Area  
NOT Recommended by the  
Planning Commission

Mr. Rogan Giles representing the applicants showed a picture of the two story house which has been condemned. It is planned to remodel this house into an eight unit apartment house. Property across the street is being used for duplexes. Councilman Long noted the Planning Staff had indicated support of "B" Residence 2nd Height and Area if the whole area were developed; and also that there are commercial, industrial, and local retail zoning right in the area. Councilman Shanks moved to grant the request. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "B" Residence 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

- - - - -

July 14, 1966

KIRK WILLIAMSON	1306-1310 Summit Street 1500-1510 Sunnyvale Street	From "BB" Residence 1st Height & Area To "B" Residence 2nd Height & Area NOT Recommended by the Planning Commission
-----------------	---	--

MR. WILLIAMSON stated it was pointed out there was adequate right of way on both streets. The land is under contract, and he would guarantee it would be used for nothing less than apartments, which are the highest and best uses for this land. He pointed out the "LR" Local Retail and "B" Residence zonings around the property. After discussion, Councilman Shanks moved to grant the request. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The Mayor announced that the change had been granted to "B" Residence 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

SOPHIA WENDLANDT ESTATE By Ted Wendlandt	1181-1191 Singleton Avenue 2500 New York Avenue	From "A" Residence To "B" Residence NOT Recommended by the Planning Commission
--	--	---

MR. TED WENDLANDT represented the applicant, stating the Planning Commission did not object to the zoning, but the Legal Department said Singleton Avenue and New York Avenue are not dedicated streets. He did not want to convey the 17.9' facing on 12th Street, but if necessary he would do so to give a private easement to the back property. Councilman Long stated since this was in the Glen Oaks area, she would like to hold this application until the recommendations were further developed. The Planning Director explained the proposed plan is being reviewed in Fort Worth with the Housing Urban Development today, and this plan shows this area as apartment development. The timing of hearing the plan probably will be in September. The plan proposes the acquisition of all the land in the area for resubdividing and providing new accesses. Also the 12th Street Expressway will require acquisition of part of the property. After the Council discussed the status of the area with Mr. Wendlandt, he agreed to wait a reasonable length of time-around September. Councilman Shanks stated if something were not resolved by then, he was ready to take action, as he did not believe in holding up development indefinitely. No decision was made at this time.

MARY HARRISON & E. F. ROOS	1811-1815 Chestnut Avenue 2301-2305 East 19th Street	From "B" Residence To "LR" Local Retail NOT Recommended by the Planning Commission
-------------------------------	---	---

MR. TED WENDLANDT stated the application listed a washateria or filling station, but the applicants have an option from Humble Oil Company for a filling station. It was pointed out that the street should be widened to 90'. Mr. Wendlandt stated Humble Oil Company could set back allowing for the 30' on 19th; but if 30' were taken on Chestnut, they did not know whether or not they could operate and would have to get approval from the company officials. Discussion of the right of way particularly on Chestnut Avenue was held. The owner, Mr. Roos stated there were two substandard houses, vacant and dilapidated houses and he had this option from the Humble Oil Company. The Council decided to go look at this property.

-----

MRS. ROLAND FREUND	3205 Helms Street	From "A" Residence 1st Height & Area To "B" Residence 2nd Height & Area NOT Recommended by the Planning Commission
--------------------	-------------------	---

MRS. ROLAND FREUND represented herself stating she wanted to add two units to the present building, and the two buildings could be connected without disturbing the parking area. She has two duplexes on her lot and she proposes to build over the parking area. Opposition was expressed by MRS. VIRGIL E. BARNES, 207 East 33rd, who had lived in the residential area 25 years, stating they did not want any more apartments, traffic congestion, noise, garbage, beer cans and trash on the streets. They were very opposed to this zoning. MRS. ROBERT NIX, 203 East 33rd protested the change and stated the homes are well kept; also MRS. J.T. KELTNER protested stating these apartments were less than 5' from her retaining wall, and the air conditioners affected her property adversely. There are too many apartments in the area now. MR. JERROLD BUTTREY opposed the change, stating if the zoning changes are not controlled in these areas around the University that 20-30 years from now these areas are going to be blights on the City. Parking is inadequate and congestion is a serious problem. MRS. CLARK CAMPBELL stated the streets were narrow and there were many wrecks. She urged that the off street parking be sufficient for the apartments' needs. She feared for the future of these apartment house areas, as they are not being kept up now. Contrary to belief, she stated she did not have a garage apartment, but a garage and storeroom. Mayor Palmer announced even if the Council granted the zoning, it would still be necessary for the request to go before the Board of Adjustment. The Council wanted to make an on-site inspection of the area. Later in the afternoon meeting, Councilman LaRue moved to sustain the Planning Commission and deny the zoning. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been DENIED.

-----

Councilman LaRue moved that the Minutes of June 30, 1966 be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: None  
Present but not voting: Councilman Long

Councilman LaRue moved that the Minutes of July 7, 1966 be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman Shanks offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named and said maps or plans have been considered by the Director of Public Works; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

- (1) An underground telephone duct line in WEST 21st STREET, from a point 20 feet west of the centerline of Guadalupe Street easterly 117 feet; the centerline of which underground telephone duct line shall be 25 feet south of and parallel to the centerline of said WEST 21st STREET.
- (2) An underground telephone duct line in WEST 21st STREET, from the point of intersection of a line 25 feet south of and parallel to the centerline of West 21st Street with a line 97 feet east of and parallel to the centerline of Guadalupe Street in an easterly direction to the point of intersection of a line 30 feet south of and parallel to the centerline of West 21st Street with the centerline of Guadalupe Street Alley.
- (3) An underground telephone duct line in WEST 21st STREET, from the centerline of Guadalupe Street Alley easterly 10 feet; the centerline of which underground telephone duct line shall be 30 feet south of and parallel to the centerline of said WEST 21st STREET.

- (4) An underground telephone duct line in WEST 21st STREET, from the point of intersection of a line 30 feet south of and parallel to the centerline of West 21st Street with a line 10 feet east of and parallel to the centerline of Guadalupe Street Alley in an easterly direction to a point 25 feet south of and parallel to the centerline of West 21st Street with a line 110 feet east of and parallel to the centerline of Guadalupe Street Alley.
- (5) An underground telephone duct line in WEST 21st STREET, from a point 110 feet east of the centerline of Guadalupe Street Alley easterly to a point 65 feet west of the centerline of Speedway; the centerline of which underground telephone duct line shall be 25 feet south of and parallel to the centerline of said WEST 21st STREET.

THAT the work and construction of said underground telephone conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The motion, seconded by Councilman LaRue, carried by the following vote:  
 Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH W. H. BULLARD FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried

July 14, 1966

by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: LOT 35B OF THE RESUBDIVISION OF LOT 35 AND PART OF LOT 13, FAIRVIEW PARK; AND ADDITIONAL AREA: LOTS 34 AND 36 OF FAIRVIEW PARK, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: BLOCK 12-T AND BLOCK 12-S EXCEPT THE WEST 90 FEET OF SAID BLOCK 12-S, IN FAIRVIEW PARK ADDITION, AND A 11,788 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1504-1512 EAST SIDE DRIVE, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN,

TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: BLOCK 39 OF THE FAIRVIEW PARK SUBDIVISION, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (A) THE EAST 70 FEET OF THE NORTH 50 FEET OF LOT 9, BLOCK 2 OF THE SHOALMONT ADDITION, LOCALLY KNOWN AS REAR OF 2111-2113 SHOALMONT DRIVE, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; AND (B) THE EAST 70 FEET OF LOT 8, BLOCK 2, SHOALMONT ADDITION, LOCALLY KNOWN AS 2111-2113 SHOALMONT DRIVE, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer brought up the following ordinance for its second reading:

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO A NEW CHAPTER PERTAINING TO THE REGULATION OF SWIMMING POOLS AND WADING POOLS, DESIGNATED CHAPTER 44; DEFINING TERMS; REQUIRING BUILDING PERMITS; REQUIRING PERMITS TO OPERATE; PROVIDING STANDARDS OF OPERATION; PERMITTING EXPERIMENTAL INSTALLATIONS; DECLARING UNSANITARY POOLS TO BE A PUBLIC NUISANCE; PROVIDING THAT VIOLATION SHALL BE A MISDEMEANOR AND FOR ENFORCEMENT OF ITS PROVISIONS.

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman Shanks moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer brought up the following ordinance for its second reading.

AN ORDINANCE AMENDING THE AUSTIN CITY CODE OF 1954  
BY ADDING THERETO A NEW CHAPTER REGULATING PEST  
CONTROL FIRMS AND OPERATORS, DESIGNATED CHAPTER  
45; AND DECLARING AN EMERGENCY.

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman Shanks moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

One gentleman discussed the insurance problem stating he could not get local insurance. It was pointed out by MR. DILLARD that insurance could be obtained through the National Pest Control Insurance.

The City Manager submitted the following:

"Sealed bids opened June 14, 1966  
Bid #B-6606 2:00 P.M.  
Tabulated by: W. C. Moffett  
Brackenridge Hospital  
Purchasing Agent

"City of Austin  
Bids for

Contract to Furnish Liquid Oxygen and Anesthesia Gases to Brackenridge Hospital

## "Beginning July, 1966

	<u>Austin Oxygen</u>	<u>Big Three Welding</u>	<u>Linde Co.</u>	<u>Liquid Carbonic*</u>	<u>National Gas</u>	<u>Wilson Oxygen</u>
TERMS:	Net-30	Net-30	Net-10	Net - 30	Net - 10	Net - 10

SECTION I

Bulk Oxygen - 4,300,000 cu. ft. -----	.00243	.00294	.00297	.00325	-----
Total	\$10,449.00	#12,642.00	\$12,771.00	#13,975.00	

SECTION II

1,000 cyl "K"					
Medical Oxygen	1.68	1.525	-----	1.60	----- 3.00
200 cyl "K" Com- presses Air	2.44	2.00	-----	2.44	----- 4.00
48 cyl "K"					
Medical Nitrogen	3.36	2.44	-----	3.02	----- 5.00
10 cyl "K" CO2	3.50	3.50	-----	3.15	----- 6.00
36 cyl "K" Mixture 95% - 5%	6.50	6.50	-----	7.02	----- 8.40
12 cyl "K" Mixture 96% - 4%	6.50	6.50	-----	7.02	----- 8.40
6 cyl "K" Mixture 90% - 10%	6.50	6.50	-----	7.02	----- 8.40
1,000 cyl "E"					
Nitrous Oxide	6.15	5.90	-----	5.85	----- 9.05
350 cyl "E" Oxygen	1.60	1.68	-----	1.57	----- 3.00
100 cyl "E"					
Ethylene	5.50	8.50	-----	7.78	----- 11.25
6 cyl "E" Mixture 95% - 5%	3.00	3.00	-----	3.60	----- 4.90
12 cyl "E" Mixture 96% - 4%	3.00	3.00	-----	3.60	----- 4.90
6 cyl "E" Mixture 97% - 3%	3.00	3.00	-----	3.60	----- 4.90
12 cyl "D" CO2	2.50	2.50	-----	2.25	----- 3.25
480 cyl "B"					
Cyclopropane	28.23	27.00	-----	26.55	----- 34.00
30 pails (5 gal)					
Soda Sorb	13.25	12.00	-----	12.00	----- 12.00
Total	\$24,025.18	\$23,188.12	-----	\$23,038.44	----- \$32,615.20

\* To be serviced through  
Alamo Welding Supply Company  
of Austin, Texas

July 14, 1966

"Price Comparisons

"Present contract prices extended at this invitation to Bid (#6606) quantities.

	Austin Oxygen	Linde Company
SECTION I		
Bulk oxygen - 4,300,000 cu. ft.	-----	.00348
Total		\$14,964.00

SECTION II		
1,000 cyl "K" Medical Oxygen	1.68	-----
200 cyl "K" Compressed Air	2.44	-----
48 cyl "K" Medical Nitrogen	3.36	-----
10 cyl "K" CO2	3.50	-----
36 cyl "K" Mixture 95% - 5%	7.80	-----
12 cyl "K" Mixture 96% - 4%	7.80	-----
6 cyl "K" Mixture 90% - 10%	7.80	-----
1,000 cyl "E" Nitrous Oxide	6.50	-----
350 cyl "E" Oxygen	1.75	-----
100 cyl "E" Ethylene	8.65	-----
6 cyl "E" Mixture 95% - 5%	4.00	-----
12 cyl "E" Mixture 96% - 4%	4.00	-----
6 cyl "E" Mixture 97% - 3%	4.00	-----
12 cyl "D" CO2	2.50	-----
480 cyl "B" Cylopropane	29.50	-----
30 pails (5 gal) Soda Sorb	13.50	-----
Total	\$25,453.98	

"SECTION I: Low bid is made by Big Three Welding Equipment Company of Austin, Texas.

"SECTION II: Low bid is made by Liquid Carbonic of Houston, service to be rendered to the hospital through Alamo Welding Company of Austin, Texas.

"RECOMMENDATION: Award bulk oxygen to Big Three Welding Equipment of Austin, Texas.  
Award anesthesia gases to Liquid Carbonic of Houston, Texas.

"W. T. Williams, Jr.  
City Manager"

Councilman White offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, bids were received by the City of Austin on June 14, 1966, for the furnishing of liquid oxygen and anesthesia gases to Brackenridge Hospital; and,

July 14, 1966

WHEREAS, the bid of Big Three Welding Equipment Company of Austin, Texas, in the sum of \$10,449.00 for 4,300,000 cu. ft. of bulk oxygen, and the bid of Liquid Carbonic of Houston, Texas, and serviced through Alamo Welding Company of Austin, Texas, in the sum of \$23,038.44 for various anesthesia gases, were the lowest and best bids therefor, and the acceptance of such bids has been recommended by the Purchasing Agent of Brackenridge Hospital and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bids of Big Three Welding Equipment of Austin, Texas, in the sum of \$10,449.00 and of Liquid Carbonic of Houston, Texas, serviced through Alamo Welding Company of Austin, Texas, in the sum of \$23,038.44, be and the same are hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute contracts, on behalf of the City, with said companies.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager submitted the following:

"July 12, 1966

"TO: Mr. W. T. Williams, Jr., City Manager SUBJECT: Austin Evaluation Center  
Tabulation of Bids

"We are attaching hereto copy of letter from Coates and Legge, Architects, relative to the Austin Evaluation Center. The tabulation of bids is included in the letter.

"Please note that the low bidder is Frank R. Rundell Company, Inc. at the Lump Sum Price of \$14,987.00.

"In order to keep the project approximately within the money which is available from Dr. Primer's budget, we have checked with Mr. Rundell regarding price deduction for omitting all site work. He advises that this deduction would be \$1,117.00. We find this deduction to be very acceptable.

"As previously discussed, this site work could be done during the next fiscal year.

"We join with Dr. Primer in recommending that the contract be awarded to FRANK R. RUNDELL COMPANY, INC. on the basis of the plans and specifications less site work for the Lump Sum Price of \$13,870.00.

"With the Architect's fee of \$1,498.70 this brings the total cost of the project to \$15,368.70.

"Attachment

"FROM: A.M. Eldridge, Supervising  
Engineer, Construction Engineer-  
ing Division  
SIGNED AME"

July 14, 1966

CITY OF AUSTIN, TEXAS

"July 12, 1966

"Mr. A. M. Eldridge  
Supervising Engineer  
Construction Engineering Division  
City of Austin  
P.O. Box 1088  
Austin, Texas 78767

"Re: Austin Evaluation Center

"Dear Mr. Eldridge:

"Proposals for construction of the Austin Evaluation Center, 2816 San Gabriel Street, Austin, Texas, were received and publicly opened on July 12, 1966.

"Following is a tabulation of all proposals received:

Ted Swanson	\$16,295.92
Frank Rundell	\$14,987.00
S & W Construction	\$26,566.00
Floyd Gibson	\$20,413.00
Reaves Builders, Inc.	\$19,600.00

"We recommend that the proposal of the low bidder, Frank Rundell, P.O. Box 455, Austin, Texas, in the amount of \$14,987.00 be accepted.

"Yours truly,  
COATES & LEGGE, ARCHITECTS  
s/ Don Edward Legge,  
Don Edward Legge, AIA"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 12, 1966, for the construction of the Austin Evaluation Center; and,

WHEREAS, the bid of Frank R. Rundell Company, Inc., in the sum of \$13,870.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Supervising Engineer, Construction Engineering Division of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Frank R. Rundell Company, Inc., in the sum of \$13,870.00, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Frank R. Rundell Company, Inc.

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Council had under consideration the sale of houses to high bidders at public auction held on July 13th. The City Attorney said at 9:55 A.M. this date, a bid was received on the house at 1500 West Avenue. Councilman LaRue moved that the bid that came in late be returned to MR. RALPH HUDSON unopened. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

Councilman Long moved that the Council reject the offer of the house at 1500 West Avenue made by Mr. E. W. Bennett at \$225.00. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 13, 1966, for the removal or demolition of seven (7) City-owned houses; and,

WHEREAS, the bids of M. A. Messinger, in the sum of \$500.00 for house located at 505 West 15th Street, and in the sum of \$2450.00 for house located at 1515 Parkway; the bid of E. A. Bradford, in the sum of \$1850.00 for house located at 1510-1512 Parkway; the bid of Pueblo Construction, Inc. in the sum of \$450.00 for house located at 1112 Enfield Road; the bid of A. J. Boyd, in the sum of \$95.00 for house located at 2724 Webberville Road; and the bid of Leonard Snyder, in the sum of \$10.00 for house located at 2711 East 8th Street, were the highest and best bids therefor, and the acceptance of such bids has been recommended by the City Manager of the City of Austin; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the above enumerated bids be, and the same are hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute contracts, on behalf of the City, with the above named parties.

The motion, seconded by Councilman Shanks, carried by the following vote:  
 Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

Councilman Long moved that the representatives of the Austin Chapter of the American Institute of Architects be heard. The motion was seconded by Councilman LaRue. Roll call showed a unanimous vote.

MR. CHARLES CARLTON, Treasurer, Austin Chapter A.I.A. representing the President, MR. CHAMLEE presented MR. LEONARD LUNDGREN, Chairman of the Committee,

July 14, 1966

who recognized the men serving on the Committee; MESSRS. CLAUDE PENDLEY, GEORGE PAGE, ALAN TANIGUCHI, CHARLES STAHL, ROBERT S. HARRIS, HOWARD BARR, and PHILIP GREER. MR. LUNDGREN then read the recommendation of the Austin Chapter of the A.I.A. regarding the "Little Texas" development, and the future development of Town Lake, listing seven specific items, and recommending that the proposed "Little Texas" development be given approval subject to the specific recommendations, with the exception, due to timing, of not waiting for the Master Plan Development, and that the Council take steps immediately to enact recommendations 1 and 2.

MAYOR PALMER asked if the Architects reviewed the proposed development of Town Lake as developed by the consultants and if they concurred that this was a good plan. MR. LUNDGREN stated this was a good start, and these were preliminary plans. The Mayor said within the preliminary plan it was contemplated detailed planning would be done within a given area subject to the compatibility of the overall plan, and inquired if Mr. Lundgren would say the overall plan should be adopted. Mr. Lundgren replied it should be reviewed and brought up to date, and ordinances should be implemented to make the plan workable. In answer to Mayor Palmer's question, Mr. Lundgren said the Chapter would recommend that consideration be given to hiring the same group that made the original development to do this upgrading.

The Architects were ready to work with whomever the Council might select to help develop it, along with the Parks and Recreation Board. Councilman LaRue expressed hope the Architects would continue to take on this activity themselves without suggesting expenditure of further funds in this field. Councilman Shanks said it was his impression the Architects had volunteered to take over this project. MR. LUNDGREN explained the architects' position in that they would like to remain as a study and review group; but the chapter felt someone should be hired to study the Master Plan.

MAYOR PALMER noted the architects' recommendation was that Item 1 and 2 be approved, and that "Little Texas" should not be held up while all of this work was being done. He reviewed the recommendation, noting Item No. 7 regarding allocating funds from such a project back to the Recreation Department. Mr. Lundgren said it was hoped that development on Town Lake would produce income to further develop the Lake. Mayor Palmer explained the allocating of funds was a budget matter; and if their theory were carried out, the Utility Department could claim it paid for the dam that created the lake, and the money should go back to the Utility Fund. Councilman Long said these were recommendations which the Council could accept or reject. Mr. Lundgren reported the Austin Chapter, which so graciously gave of its time to meet and study this, was unanimous in adopting this recommendation, along with the Parks Board. Mayor Palmer expressed appreciation on behalf of the Council to the A.I.A. for looking into this matter and coming up with this recommendation.

MRS. FAGAN DICKSON reported her Board was unanimous in its adoption of these recommendations, and had asked her to bring its thoughts to the Council. It would be very willing to serve in the facilitation of the "Little Texas" plans or any other plans forthcoming at the will of the Council.

MR. KRUEGER was interested if the A.I.A. considered public safety in their review. The Mayor said this was not included in the scope in which the architects were asked to study. Mr. Krueger discussed the Fiesta Garden lease.

COUNCILMAN SHANKS said he construed the plan for which the City paid several thousand dollars as the "Master Plan" of the Lake. MR. ALAN TANIGUCHI a member of the firm which developed the overall development plan of Town Lake, said there was a need of this overall study in order to design the specifics of the auditorium area. The preliminary would not spell out specifics and did not include implementation.

MAYOR PALMER pointed out that other than this particular tract of land which was acquired by Utility Funds, the greater portion of the publicly owned land is park land, most of it being sand beach reserve.

MAYOR PALMER said the Council's action was, after the recommendation was received from the Parks and Recreation Board and the Architects, that bids be called for. COUNCILMAN LARUE referred to a recommendation of May 19th, stating that the first recommendation that the proposal be referred to the Austin Chapter of A.I.A. had been complied with. The next recommendation was that bids be let only after competitive bidding, and he suggested this be the next step. He reported he and the City Attorney had been working on specifications for sometime. The City Attorney reviewed the specifications that guarantees of a general type of development would occur, amounts of fixed and specific rentals would be left open, and the bidder would use a contract form in which to submit his bids. Minimum amounts would be specified, and an escrow deposit of cash in an Austin Bank of \$100,000 cash was provided, the interest to inure to the benefit of the bidder but for the purpose of paying his obligations of the contract. COUNCILMAN SHANKS said there had never been any negotiation on "Little Texas", and asked if the successful bidder would be in a position to negotiate with the Council for a definite term. The City Attorney explained when the contract was submitted, the City would either accept it or reject it. The City Manager noted there were no provisions made for the regulation of rates and charges the lessee would prescribe and that would have quite an affect on the amount of the bid.

COUNCILMAN LONG discussed adopting the A.I.A. recommendation, stating Item 1 and 2 could be enacted immediately. Councilman LaRue said Item No. 2 already was in effect, and suggested by adopting again in principle the recommendation that the Parks and Recreation Board and the A.I.A. had approved in principle, that this might suffice. COUNCILMAN SHANKS moved that this be adopted in spirit. The motion lost for lack of a second. COUNCILMAN LaRue moved that the recommendation of the Parks and Recreation Board and the A.I.A. be accepted to the extent that it applies to "Little Texas". Councilman Long seconded the motion. MRS. DICKSON noted if this were adopted, it would be contingent on the adoption of the rest. MAYOR PALMER asked MR. LUNDGREN if the recommendation were that all of the recommendation be adopted en toto and "Little Texas" be held up. MR. LUNDGREN said that was not the intent, that the Master Plan item would not have to be a part of this, but the group felt it essential that action be taken as far as the recommendations they had pointed out. It was on the intent that these recommendations be adopted that they based their accepting this as far as Little Texas was concerned.

Brief discussion on admission fees was held.

COUNCILMAN LARUE restated his motion. The City Attorney asked if this were to be construed as limiting the use in subsequent fiscal years of funds derived from the leasehold. He explained the only way to encumber future funds was by bond elections. Councilman LaRue restated his motion that the recommendation of the A.I.A. and the Parks and Recreation Board be accepted insofar as it pertains to "Little Texas". Councilman Long suggested in this motion that Item No. 7 be excluded as it might encumber certain property pertaining to Little Texas.

July 14, 1966

Councilman Shanks asked about Item No. 5 "Free public access by boat should be allowed to all islands and at proper intervals along City owned property." Mr. Lundgren stated this consideration was based on the entire lake, not necessarily "Little Texas".

Detailed discussion was held on adopting the A.I.A. recommendations in full. Councilman Shanks stated there were so many things that needed to be ironed out that if the Council could accept the part of it in principle or spirit, and then get down to specifics, this could be worked out better. MR. BARR said it was not the architects intent that these recommendations be adopted word for word, and they did not claim to have it worded properly. He said it would be fine to adopt it in principle or spirit.

COUNCILMAN LaRUE stated there might be other items to be looked into closely, and he mentioned Item No. 5 as being a highly questionable item and to agree that free public access should always be permitted to the water, is not good. MRS. DICKSON stated whatever was done with the Little Texas plan would be the determining plan of what proper intervals are and what water usage would be made.

Councilman LaRue moved to accept in spirit the recommendation of the A.I.A. and Parks and Recreation Board as it pertains to "Little Texas." The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

MR. PAT CAIN expressed on behalf of his group appreciation of the Austin Chapter of American Institute of Architects, and the Parks and Recreation Board, and Mrs. Dickson for the graciousness with which they helped on the problem, and for their recognizing the difficulties in timing and presenting their recommendation.

MR. BARR said their time was short in studying the Town Lake Plan, and the architects would like to see the plan prepared by King and Taniguchi, and bring back a closer recommendation. The Mayor stated it was voted that public lands should be planned by the Parks and Recreation.

The Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

At 2:30 P.M. the Council resumed its meeting.

The Council took up the matter of advertising for bids for leasing a tract of land on Town Lake. The City Attorney distributed a draft of an advertisement that could be used.

Councilman Long discussed the 25 acres of water, stating that was too much, and she had no intention of giving up all that peninsula, island, and 25 acres of water. She said the Parks and Recreation Board would have this plan to draw up, and they could cut down on the acreage, and work around it.

The City Attorney reviewed the bid specifications, and distributed copies of the contract which would be filled out in triplicate, one of which would require the signature of the escrow bank. The City Attorney read the contract in full. As to the term of the lease, Councilman Shanks moved that the section be left as the City Attorney had it written originally--30 years with four additional five year periods or two ten year periods. The motion lost for lack of a second.

Councilman Long brought up for discussion Section I. "Limitation", whereby it stated it would be understood neither the leased premises nor any property adjoining has been dedicated for park purposes, and the lessor would not have executed this lease nor permitted the premises to be leased for any purpose which would have given rise to any claim that any such use could result in such land becoming dedicated for park purposes. The City Attorney pointed out that this would not become park property accidentally, that the Council was not thereby dedicating it, and the action it is taking and the uses made of the lease would not be construed as dedicating it. If it is dedicated, it cannot be leased without a vote of the people.

Councilman LaRue objected to Section "D" pertaining to the lessee being required to go all electric. After discussion, Councilman LaRue moved that "and that electricity furnished by the City of Austin will be the only source of energy used on the premises." be deleted. (Page 6 of the contract) The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman Long brought up the maintenance section for discussion and it was suggested that the premises would be maintained year round in proper orderly condition. The City Attorney suggested that "lessee shall keep the premises clean and presentable the year round and shall keep them open and available for business activities from April through September.

Section XI was discussed in line with the lessees' having the right of refusal of acquiring additional land at  $\frac{1}{2}$  of 1% more than the highest bidder, and using the land in line with what the Council wanted planned for the particular tract. The City Attorney listed the land available. He asked if it were the feeling of the Council that the right of refusal should be on this specific land and for the specific purpose for which the City might care to execute a lease or sell the land. Councilman LaRue suggested that it be used on the basis on the use specified by the City at that time. Mayor Palmer said the City should not give the lessee the right of refusal of anything unless it was a related or competitive type of operation. Councilman Shanks said it seemed they would have the opportunity to expand their operation. Councilman LaRue noted some enterprise would be glad to come in with a \$50,000 or \$100,000 enterprise next to this multi-million dollar enterprise, letting the lessee pay for all the research, development, advertising, etc. The Mayor suggested leaving the whole section out. The City Manager pointed out there would not be an option right to take over the property, but a right of refusal of a bid that the Council thought was acceptable. Councilman Long discussed the right of refusal of a hotel if such were planned for the particular location. Councilman LaRue explained if it were let out for bids for a hotel, and an acceptable bid were received, the lessee would have the right to use it for a hotel at  $\frac{1}{2}$  of 1% more. The City Attorney said the land would be confined to the four specified tracts of record; limit the

July 14, 1966

right of refusal to 30 days, and that the city reserve the right of refusal. The next item would be whether the lessee has to use the property for the purpose for which it was advertised, or if he would be entitled to use it for the purposes of this lease. Councilman Long said it should be for the purposes for which it was advertised. Councilman Shanks said it should be controlled for related purposes. He suggested that the lessee anticipate how much land they would need for expansion; and if at that time they want to use the land for expansion, they should have that right. The City Attorney said Mr. Cain's group had said the present area was not enough parking space for them, and the only reason they can live with it is their hope to lease additional land for parking space when it is available. Councilman Long said to put in the contract for some "specified use", and they would have the right of refusal. The Council informally agreed.

Discussion of Paragraph XII was held. He pointed out the areas the boats or train or cable car might cross which were public areas.

The Council discussed Paragraph XVI, Escrow Agreements, as to any unpaid accounts specified under the contract, Councilman Long suggested it should be written in the contract that the City Council should be informed of any breach of contract. Councilman LaRue suggested that this could be put in the minutes, that the City Manager keep the Council informed of any lease that is delinquent.

The City Attorney reviewed EXHIBIT "A" which describes the land included in the lease. Discussion was held on the acreage in front of the Kassuba property plus the peninsula. Councilman Long wanted the Kassuba Corporation to lease this strip and maintain the beach front. The City Attorney gave a legal opinion regarding this specific property, and the reason it should be considered in the lease, explaining if the balance of the property is leased, and this part is left open to the public, the Council would in effect be dedicating it to the public and to the specific benefit of the adjoining property owner, conferring upon him an enormously valuable private property right because he would have a park in front of him. Councilman LaRue suggested excluding the tract. The City Attorney stated he wanted to bring this matter to the attention of the Council and discussed in detail the possibility of this strip's being dedicated accidentally. Councilman Long wanted a separate lease exactly like the one with the Crest Motel, that the Kassuba Corporation would maintain and landscape this area and leave it open for the general public, and that Little Texas would have their 25,000 square feet which they would leave open for the general public under their contract; or that a separate contract be drawn up like the one for the Crest Motel with Little Texas except with a 30 day cancellation clause, completely separate from the Little Texas venture. Councilman LaRue suggested the lessee could be relieved of the responsibility of taking care of the 25,000 square feet in addition. This area contains some three acres, considerably more square feet than the 25,000. The City Attorney asked if it were acceptable to insert a new provision similar to the Crest Motel contract, except that it would be tied to the lease; and if the lessee fails to maintain this area, there would be reason for the cancellation of the entire lease, and omit the 25,000 square feet as suggested by Councilman LaRue.

After discussion, Councilman LaRue moved to incorporate in this document that the area between Tinnin Ford Road and the waters' edge over to the main amusement center site as outlined on the map will be subject to a new paragraph which will contain provisions now in the Crest Motel contract, concerning this specific land shall be the obligation of the successful bidder to maintain the area for the use of the general public, and maintain it and landscape it year round, and this will supercede the 25,000 square feet which was contained in the earlier document.

The motion, seconded by Councilman Long, carried by following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

MR. C. B. SMITH inquired about Section 1, regarding the cancellation of the lease. It was stated it could be cancelled after 27 years. The City Attorney said the right of cancellation under Paragraph X could occur any time. Discussion began on the options. MR. CAIN said the lease had been cut to a 25 year operating lease, with two additional five year options rather than "exclusive options"; and what they had was a 25 year operating lease. After discussion, Councilman Long agreed to make the lease for 30 years. Mr. Cain asked that the clause be taken out and leave the term at 27 years, with the two five year "exclusive" options. Councilman Shanks moved to cut out the clause. The motion lost for lack of a second. After additional discussion, Councilman LaRue moved that under Paragraph I, Page 1, the primary term of the lease shall be for a period of 25 years with two five year exclusive options. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

MR. CAIN referred to Paragraph 12, Page 11, whereby they had agreed to have \$3,500,000 improvements on the ground in two years. This paragraph provides that \$100,000 be placed in the bank in escrow. He pointed out the City approves the designs, etc., and he asked that some time period be set so that it would show that his clients were not in default. They would be in default if they did not meet a certain time limit. If there were a delay in the approval of the design his clients should not be in default. The City Attorney suggested adding a provision that the plans be submitted; and if they were not disapproved within 15 days, they would be approved. Councilman Long stated they would go to the Parks and Recreation Board for a recommendation to the Council. Councilman Long said to submit the plan and it shall be acted upon in 30 days. Mr. Cain said this was a technical point. Councilman Long said it was all right like it is.

Councilman LaRue moved that the City Manager be authorized to advertise for bids to be opened at 10:00 A.M. July 28, 1966 in the Council Chamber, Municipal Building, the advertisement to be in the Southwest Addition of the Wall Street Journal, and the Austin American Statesman. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Councilman Long noted there were several recommendations made today that had not been recommended by the Parks and Recreation Board. Councilman Long asked when would the plan go to the Parks and Recreation Board for their consideration; if the successful bidder would submit detailed plans of what he would do. The Mayor said the successful bidder would prepare and present the plans to the Parks and Recreation Board. The City Attorney said there was nothing in the contract to that effect. Councilman Long said to put in the bid specification that this will be submitted to the Parks and Recreation Board for recommendation to the Council. The City Attorney explained there was being placed into the contract a provision recommended by the Architects this morning that the final plans must be submitted; and there is no limitation spelled out as to how much time it would take to approve them. He said for sake of certainty and definiteness the type of provision that most parties would prefer would be the type that the successful bidder submit the plans and a time be fixed beyond which if the

July 14, 1966

plan were not approved, it would be construed of having been approved. Councilman Long said she would not approve that at all. Mr. Cain suggested if the plans were not approved within 30 days from date of submission, the time thereafter would not run against the term of the lease. Councilman Long said if the time ran over 30 days, it would not run against the two years in default. The City Attorney worded the provision that any time in excess of 30 days the City takes to approve the plans will not be counted in determining whether or not the lessee will be in default.

The City Attorney asked if it were the desire of the Council that the Instructions to the Bidders shall be filled in as the minimum, the amounts last proposed by Little Texas. The Council informally agreed.

The Council considered appointments to the Urban Renewal Board. Councilman Long moved that the Council concur in the Mayor's appointment of the following to fill the unexpired term of Mr. Harry Peterson, resigned, term extending to July 23, 1967:

MR. CLYDE SMITH

The motion, seconded by Councilman Shanks, carried by the following vote:  
 Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer  
 Noes: None  
 Present but not voting: Councilman White

Councilman Long moved that the Council concur in the Mayor's reappointment of the following for a term extending to July 23, 1968:

MR. JOHN H. (Jack) CHILES, JR.  
 MR. JACK BALAGIA  
 MRS. CHARLES VILLASENOR  
 MR. R. L. WORMLEY

The motion, seconded by Councilman Shanks, carried by the following vote:  
 Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer  
 Noes: None  
 Present but not voting: Councilman White

Councilman Long moved that the Council recess until 9:00 A.M., Friday, July 15th. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

APPROVED

*Lucas Palmer*  
 Mayor

ATTEST:

*Elsie Wesley*  
 City Clerk